

The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID HUART, MICHEL GRATON, CEDRIC PLASSE,
ROGER ABADIA, FABRICE TAUVRON, PIERRE FAVEROLLE,
DOKOU ANTOINE AKEMAKOU, GILLES LEBAS

Appeal No. 2007-0607
Application No. 09/744,733
Technology Center 3700

Decided: September 27, 2007

Before TERRY J. OWENS, JENNIFER D. BAHR and ANTON W. FETTING,
Administrative Patent Judges.

OWENS, *Administrative Patent Judge.*

DECISION ON APPEAL

The Appellants appeal from a rejection of claims 1, 3-6 and 26. Claims 2, 8 and 41 have been canceled, claims 7, 11-16, 19-24, 28-39 and 44 have been withdrawn from consideration by the Examiner, and claims 9, 10, 17, 18, 25, 27, 40 and 42-43 and 45 stand allowable.

THE INVENTION

The Appellants claim a friction clutch device having a rotational drive flywheel. Claim 1 is illustrative:

1. Friction clutch device including, on the one hand, a rotational drive flywheel (13) featuring a front extremity intended to be fixed to a drive shaft (11), and a rear extremity in the form of a hollow-shaped reaction plate (4) with a central recess (39) delimited externally by a friction face (37), and, on the other hand, a friction disc (20) comprising, at its outer periphery, at least one friction lining (16) for contact with the friction face (37), of the reaction plate (4), said friction lining (16) being integral with a support (21) coupled elastically, by way of a torsion damper (20a), to a central hub (15) intended to be integrated in rotation with a driven shaft,

wherein the torsion damper (20a) penetrates into the central recess (39) of the reaction plate (4) and the drive flywheel (13), between its front and rear extremities, carries a rotor (6) of a rotating electric machine (2) comprising a fixed stator (5),

and wherein the torsion damper (20a) includes, on the one hand, a first guide washer (29) integral with the support (21) and with a second guide washer (30), and, on the other hand, a web (34) arranged between the two guide washers (29, 30), and linked in rotation, possibly after taking up play, with the hub (15),

and wherein the second guide washer (30) is installed in the central recess (39) of the reaction plate (4).

THE REFERENCE

Uchida (as translated) JP 63[1988]-309768 Dec. 16, 1988

THE REJECTION

Claims 1, 3-6 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Uchida.

OPINION

We reverse the aforementioned rejection. We need to address only claim 1, the sole independent claim. That claim requires a second guide washer (30) installed in the central region (39) of a reaction plate (4).

The Examiner argues (Ans. 3):

Claim 1 is deemed broad enough that either guide washer [identified in the figure on page 6 of the Appellants' Brief] of Uchida et al[.] could be construed as the second guide washer. The limitation "installed in the central recess" does not necessarily require that the second guide washer be entirely within the central recess and therefore does not serve to distinguish the claimed second guide washer from the guide washer on the left side of spring 27 that is installed partially in the central recess of reaction plate 3 as shown in Figure 1 of Uchida et al.

During patent prosecution, claims are to be given their broadest reasonable interpretation consistent with the Specification, as the claim language would have been read by one of ordinary skill in the art in view of the Specification. *See In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983).

The Appellants' Specification (23:34-38) states: "By virtue of the frustoconical part 142, it is possible to accommodate the second guide washer 30 of the torsion damper 20a within the central recess of the reaction plate 4 delimited by the ring 140 and the portions 142, 38." Generally, "within" is "used as a function word to indicate enclosure or containment".¹ In each of the Appellants figures that identifies second guide washer 30, that guide washer is within central recess 39 (figs. 1, 2, 16). Thus, the Appellants' original disclosure indicates that the Appellants, in their claim 1, use the word "in" according to its ordinary use,

¹ *Webster's New Collegiate Dictionary* 1347 (G. & C. Merriam 1973).

which is “as a function word to indicate inclusion, location or position within limits”.²

Uchida’s washer relied upon by the Examiner as corresponding to the Appellants second guide washer, i.e., the washer to the left of spring 27 and clutch disk 23 in Uchida’s figure 1, has a central portion inside the flywheel’s (3) recess, but has an outer portion outside that recess. The Examiner has not explained why, in view of the Appellants’ disclosure wherein the second guide washer is consistently shown and described according to the ordinary meaning of “in” as being within the recess, one of ordinary skill in the art, giving the Appellants’ claim limitation “the second guide washer (30) is installed in the central recess (39)” its broadest reasonable interpretation in view of the Appellants’ Specification, would have construed that limitation as encompassing installation of the second guide washer such that part of it is outside the recess. The Examiner’s mere assertion that “[t]he limitation ‘installed in the central recess’ does not necessarily require that the second guide washer be entirely within the central recess” (Ans. 3) is not sufficient for establishing a prima facie case of anticipation.

The Examiner’s rejection, therefore, is reversed.

DECISION

The rejection of claims 1, 3-6 and 26 under 35 U.S.C. § 102(b) over Uchida is reversed.

REVERSED

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² *Webster’s*, *supra* note 1 at 578.

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